

ORDINANCE NO. 103

AN ORDINANCE OF THE CITY OF SHORELINE DESIGNATING THE EMERGENCY MANAGEMENT ORGANIZATION OF THE CITY OF SHORELINE AND DIRECTING THE APPOINTMENT OF THE EMERGENCY MANAGEMENT DIRECTOR OF THE CITY

WHEREAS, by RCW 38.52.070 cities are provided the authority to establish emergency management organizations and to designate emergency management directors who will be responsible for directing resources and services in the event of emergencies within their jurisdictions; and

WHEREAS, the purpose of this ordinance is to establish the authority of the City of Shoreline's Emergency Management Director for appropriate response to emergencies occurring within the City; and

WHEREAS, the City Council desires to provide measures necessary to mitigate the impact of emergencies and protect health and safety of all people within the City; NOW THEREFORE

THE CITY COUNCIL OF THE CITY OF SHORELINE DO ORDAIN AS FOLLOWS

Section 1. Purpose. The declared purposes of this chapter are to provide for the preparation and carrying out of plans, including mock or practice exercises, for the emergency management and protection of persons and property within the city in the event of a disaster, and to provide for the coordination of the emergency management and disaster functions of this City with all other public agencies and affected private persons, corporations, and organizations.

Section 2. Definitions:

2.1 Emergency Management. The term "emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

2.2 Emergency or disaster. The terms "emergency" and "disaster" shall mean an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken

by such occurrences, or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

2.3 Hazard Vulnerability Analysis. The term “hazard vulnerability analysis” means the comprehensive examination and reporting of all potential technological or natural hazards that this City may be exposed to and/or suffer loss from. This analysis is used as a basis for developing the City’s disaster management plan.

2.4 Preparation. The term “preparation” means the active planning, writing, and revising of operational procedures and policies to prepare for a disaster. It includes coordination with local, county, state and federal agencies to insure cohesive working relationships and compatible emergency plans.

2.5 Mitigation. The term “mitigation” includes risk analysis, review and identification of hazards both technological and natural, development of strategies to minimize those hazards, and development of resources and capabilities to respond effectively to risks not controlled through conventional methods. Mitigation strategies may be developed in conjunction with the hazard vulnerability analysis.

2.6 Response. The term “response” includes the initiation of warnings to potential disaster, initiation of actions necessary to effectively act during a disaster, damage assessment and evaluation, coordination of operations, logistics, planning and finance activities during a disaster, and documentation of actions taken during a disaster.

2.7 Recovery. The term “recovery” includes assessment of community needs after an event, prioritizing of actions for recovery, coordination of agencies during recovery, documentation of costs for future recovery of costs, and facilitation of disaster assistance offices in providing the community with efficient mechanisms to obtain federal, state and local assistance after disasters.

Section 3. City Council - Duties. It shall be the duty of the City Council under the Emergency Management Program to:

- (1) Give advice to the City Manager regarding appointments made pursuant to Section 4 (Emergency Management Council) .
- (2) Consider adoption of emergency management mutual aid plans and agreements and such ordinances, resolutions, rules and regulation as are necessary to implement such plans and agreements as are referred to them by the City Manager
- (3) Approve at the earliest practical time after issuance, rules and regulations reasonably related to the protection of life and property, which is affected by a disaster, such rules and regulations having been made and issued by the Emergency Management Director. (See section on Disaster powers of Director).

(4) Distribute pursuant to resolution, the functions and duties of the City emergency management organization among the divisions, services, and special staff. (See Section 9, Divisions, Services, and Staff).

(5) Approve mutual aid agreements referenced in and pursuant to the section on Mutual Aid Agreements.

Section 4. Emergency Management Council Created - Membership. The Emergency Management Council is hereby created and shall consist of the following:

- (1) The City Manager, who shall act as Chair
- (2) The Emergency Management Program Director as appointed by the City Manager
- (3) Department Directors of the City of Shoreline
- (4) A representative of the Shoreline Disaster Council
- (5) Such City officials and other citizens with technical capabilities in related areas, upon recommendation by the City Manager and with the consent of the City Council.

Section 5. Emergency Management Council- Powers And Duties. It shall be the duty of the Emergency Management Council, and it is hereby empowered, to review and recommend for the adoption by the City Council, emergency management and mutual aid plans and agreements and such ordinances, resolutions, contracts, rules and regulations as are necessary to implement such plans and agreements. The Emergency Management Council shall meet upon call of the Chair's absence from the City or inability to call such meeting, upon the request of the Emergency Management Program manager.

Section 6. Director's Powers And Duties. There is hereby created the position of the Director of Emergency Management. The City Manager shall serve in this position as part of his/her regular duties. The Director or his/her designee is hereby empowered and directed:

6.1 To prepare an emergency management operating plan for the City conforming to requirements specified in RCW 38.52. To the greatest extent possible, the City plan shall be coordinated with the county and state plans and programs.

6.2 To control and direct the effort of the emergency management organization of this City for the accomplishment of the purposes of this chapter.

6.3 To direct coordination and cooperation between divisions, services, and staff of the emergency management organization of this City, and to resolve questions of authority and responsibility that may arise between them;

6.4 To represent the emergency management organization of this City in all dealings with public or private agencies pertaining to emergency management and disaster;

6.5 To develop and evaluate emergency plans concerning the application of mitigation strategies, preparation, response, and recovery mechanisms and include such in the City emergency plans; serve as a spokesperson for Emergency Management; coordinate City emergency management activities with various city, county, state, and federal agencies; conduct and evaluate testing of emergency plans, and preside over and guide interdepartmental emergency management planning committees that may be created by the Emergency Management Council.

6.6 Upon approval by the City Council of all plans and programs, including this ordinance, the Director shall submit same for state review and certification.

Section 7. Disaster Powers Of Director. In the event of disaster as herein provided, the Director is hereby empowered:

7.1 To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be approved by the Emergency Management Council and confirmed by the City Council at the earliest practicable time;

7.2 To make all expenditures necessary and proper to carry out the provisions of this ordinance.

7.3 To command the service and equipment of as many citizens as considered necessary in light of the disaster: PROVIDED, that citizens so commandeered shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by state law and federal and state emergency management regulations for registered emergency workers.

7.4 To requisition necessary personnel or material of any City department or agency;

7.5 To execute all of the special powers conferred by this ordinance or by resolution adopted pursuant thereto, all powers conferred by statute, agreement approved by the Emergency Management Council, or by any other lawful authority.

Section 8. Emergency Management Organization. All officers and employees of this City, together with those citizens enrolled to aid them during a disaster, and all groups, organizations, and persons who may be by agreement or operation of law, including persons

pressed into service under the provisions of Section 7 who shall be charged with duties incident to the protection of life and property in this City during such disaster, shall constitute the emergency management organization of the City.

Section 9. Divisions, Services And Staff. The functions and duties of the City emergency management organization shall be distributed among such divisions, services and special staff as the City Council shall prescribe by resolution.

Prior to the adoption of resolutions, the Emergency Management Council shall prepare a plan setting forth the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and powers, the designation of officers and employees and submit its recommendations to the City Council.

Section 10. Mutual Aid Agreements. The City Manager shall have the power to sign, on behalf of the City, mutual aid agreements with other municipalities, the county, and other governmental subdivisions, which have been approved by the City Council.

Section 11. Punishment Of Violations. It is a misdemeanor for any person during a disaster:

11.1 To willfully obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter or in the performance of any duty imposed by virtue of this chapter;

11.2 To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if the act is of such a nature as to give, or be likely to give, assistance to the enemy or to encourage or assist in theft of or endanger property of inhabitants of this city, or to prevent, hinder, or delay the defense or protection thereof;

11.3 To wear, carry, or display, without authority, any means of identification specified by the state Department of Emergency Management.

Section 12. Liability For Property Damage, Bodily Injury, Death -Immunity - Assumption By State - Indemnification.

(1) There shall be no liability on the part of anyone including any person, partnership, corporation, the state of Washington or any political subdivision thereof who owns or maintains any building or premises which have been designated by a local organization for emergency management as a shelter from destructive operations or attacks by enemies of the United States for any injuries sustained by any person while in or upon said building or premises, as a result of the condition of said building or premises or as a result of any act or omission, or in any way arising from the designation of such premises as a shelter, when such person has entered or gone upon or into said building or premises for the purpose of seeking refuge therein during destructive operations or attacks by enemies of the United States or

during tests ordered by lawful authority, except for an act of wilful negligence by such owner or occupant or his servants, agents, or employees.

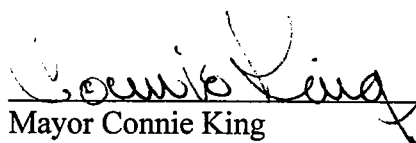
(2) All legal liability for damage to property or injury or death to persons (except an emergency worker, regularly enrolled and acting as such), caused by acts done, or attempted, under the color of this chapter in a bona fide attempt to comply therewith shall be the obligation of the state of Washington. Suits may be instituted and maintained against the state for the enforcement of such liability, or for the indemnification of persons appointed and regularly enrolled as emergency workers while actually engaged in emergency management duties, or as members of any agency of the state or political subdivision thereof engaged in emergency management activity, or their dependents, for damage done to their private property, or for any judgment against them for acts done in good faith in compliance with this chapter: PROVIDED, That the foregoing shall not be construed to result in indemnification in any case of wilful misconduct, gross negligence or bad faith on the part of any agent of emergency management: PROVIDED, That should the United States or any agency thereof, in accordance with any federal statute, rule or regulation, provide for the payment of damages to property and/or for death or injury as provided for in this section, then and in that event there shall be no liability or obligation whatsoever upon the part of the state of Washington for any such damage, death, or injury for which the United States government assumes liability.

(3) Any requirement for a license to practice any professional, mechanical or other skill shall not apply to any authorized emergency worker who shall, in the course of performing his duties as such, practice such professional, mechanical or other skill during an emergency described in this chapter.

(4) The provisions of this section shall not shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this chapter, or under the worker's compensation law, or under any pension or retirement law, nor the right of any such person to receive any benefits or compensation under any act of congress. [1987 c 185 § 7; 1984 c 38 § 17; 1974 ex.s.c 171 § 20; 1971 ex.s c 8 § 2; 1953 c 145 § 1; 1951 c 178 § 11.]

Section 13. Effective Date: This ordinance shall be effective thirty days after publication.

PASSED BY THE CITY COUNCIL ON OCTOBER 28, 1996.


Mayor Connie King

ATTEST:

Sharon Mattioli

Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

Bruce Disend

Bruce Disend
City Attorney

Date of Publication: October 31, 1996
Effective Date: November 30, 1996